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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1948 C. C. C. Rye Bulletin 1, Amdt 3]

PART 656—RYE

SUBPART—1948 RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A statement in the FEDERAL REGISTER of December 23, 1948 (13 F. R. 8248) has redesignated Part 266, Rye Loans and Purchase Agreements in Chapter II of Title 6 of the Code of Federal Regulations containing the requirements of the 1948 Rye Price Support Program and published in 13 F R. 4989, 5525 and 7291 as Part 656—Rye, Subpart—1948 Rye Loan and Purchase Agreement Program, in Chapter IV of said code. Sections 266.201 to 266.224, have been redesignated as §§ 656.1 to 656.24.

In § 656.24 (formerly 266.224) *Rates at which loans and purchases will be made,* under paragraph (d) *County rates,* the following counties and rates therefor are added:

MONTANA

County:	Rate
Judith Basin	$1.15
Liberty	1.15
Meagher	1.15
Pondera	1.14
Teton	1.15

Issued this 25th day of January, 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: January 25, 1949.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-731; Filed, Jan. 28, 1949; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 53—GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, AND MEAT PRODUCTS

FEES FOR GRADING SERVICE

Pursuant to the authority vested in me under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621–1627) and the so-called Farm Products Inspection Act, consisting of provisions for the market inspection of farm products in the Department of Agriculture Appropriation Act, 1949 (62 Stat. 507; 7 U. S. C. Sup. 414) and § 53.35 of the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR 53.35; 13 F. R. 1275) the following order to appear as 7 CFR 53.35a, is hereby adopted:

§ 53.35a *Fees for grading service.* (a) The hourly rate for grading service shall be $3.00 per hour with a minimum charge of $1.50.

(b) Fees for grading performed on a weekly contract basis shall be $102.00 per calendar week (less any allowable credits) to cover up to 34 hours of weekly grading service, and at the regular rate prescribed in paragraph (a) of this section for grading time in excess of 34 hours per week.

(c) When grading service is requested at a place so distant from a grader's official headquarters that a total of 1 hour or more is required for the grader to travel to and return from such place, the fee for grading service at such place shall equal the usual fee calculated at the applicable rates prescribed in paragraph (a) or (b) of this section, as the case may be, plus a mileage fee of 5¢ per mile for such travel and return.

(d) When grading service is requested at any place outside the area of a grader's official station, the fee for such grading service shall equal the usual fee calculated at the applicable rates prescribed in paragraph (a) or (b) of this section, as the case may be, plus any mileage charge-

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

able under paragraph (c) of this section, and a per diem charge at the rate of $5.00 per day for each day or quarter portion thereof spent by the grader outside such area with a minimum per diem charge of $1.25. (60 Stat. 1087, 62 Stat. 507, 7 U. S. C. 1621 et seq.)

Effective date. This order shall become effective February 1, 1949.

Since the fees charged for grading service under the regulations in 7 CFR Part 53 are required by the statutes authorizing such service to equal as nearly

as may be the cost of the service rendered, and since the determination of the cost of such service depends upon facts wholly within the knowledge of the United States Department of Agriculture, and it has been determined that the fees prescribed above will provide revenue sufficient to equal the cost of such service, it is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) upon good cause that notice and public procedure concerning this order are impracticable and unnecessary, and it is found under said section that good cause exists for issuance of this order effective less than 30 days after its publication.

Done at Washington, D. C., this 26th day of January, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 49-732; Filed, Jan. 28, 1949; 8:56 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 158]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.423 *Orange Regulation 158*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., January 31, 1949, and ending at 12:01 a. m., e. s. t., February 7, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which (*a*) grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade or (*b*) are of a size larger than a size that will pack 200 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 26th day of January 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-765; Filed, Jan. 28, 1949; 9:53 a. m.]

[Tangerine Reg. 82]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.424 *Tangerine Regulation 82*—(a) *Findings.* (1) Pursuant to the Marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 31, 1949, and ending at 12:01 a. m., e. s. t., February 7, 1949, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, or U. S. No. 1 Bronze if such tangerines are of a size (*a*) smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) or (*b*) larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack, in the aforesaid half-standard box;

(ii) Any tangerines, grown as aforesaid, which grade U. S. No. 2 or U. S. No. 2 Russet if such tangerines are of a size (*a*) smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in the aforesaid half-standard box, or (*b*) larger than the size that will pack 150 tangerines, packed in accordance with the requirements of a standard pack, in the aforesaid half-standard box; or

(iii) Any tangerines, grown as aforesaid, which grade U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 26th day of January 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-754; Filed, Jan. 28, 1949; 9:57 a. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

CHANGE IN REPRESENTATION ON INDUSTRY COMMITTEE; AMENDMENT TO RULES AND REGULATIONS

On December 15, 1948, notice was published in the FEDERAL REGISTER (13 F R. 7747) that the Industry Committee, established under the marketing agreement and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.) regulating the handling of fresh peaches grown in the State of Georgia, was considering changing the representation from certain districts, as such districts are defined in the marketing agreement and order, on the aforesaid Industry Committee. This is a regulatory program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

As set forth in the aforesaid notice, opportunity was afforded all persons, who desired to do so, to submit, during the 15-day period following the publication of the notice in the FEDERAL REGISTER, written data, views, and arguments for consideration in connection with the proposed change. No written data, views, or arguments were received during the designated period.

Thereafter, the Industry Committee, at its meeting held on January 3, 1949, further discussed and reviewed the proposals and the bases and need therefor. After consideration of all available relevant matters, the Industry Committee adopted a resolution changing the representation of certain districts on the committee, and submitted such action to the Secretary of Agriculture for his approval. According to the provisions of § 962.4 (m) (11) of Order No. 62 (and the comparable provisions of the marketing agreement) such change in representation is subject to the approval of the Secretary.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found and determined that the changed representation, as hereinafter set forth, is fair and equitable and, so far as it is practicable, is based upon the current and prospective production trend of Georgia peaches in the respective districts. The approval of such changed representation, from the designated districts, is pursuant to the marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended.

The change in representation is hereby approved to become effective at the commencement of the fiscal period beginning on March 1, 1949, and is reflected by the addition of the following new section, § 962.104 *Change in representation by districts on Industry Committee,* to the rules and regulations (7 CFR, 1946 Supp., 962.100 et seq.) concurrently in effect pursuant to the marketing agreement and order:

§ 962.104 *Change in representation by districts on Industry Committee.* The representation or membership on the Industry Committee is changed to provide for:

(a) Four (4) members to represent the South Georgia District;

(b) Three (3) members to represent the Central Georgia District; and

(c) One (1) member to represent the North Georgia District. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., Part 962)

Done at Washington, D. C., this 26th day of January 1949.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-750; Filed, Jan. 28, 1949; 9:57 a. m.]

[Orange Reg. 265]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.411 *Orange Regulation 265*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 30, 1949, and ending at 12:01 a. m., P. s. t., February 6, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1. No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1. Unlimited movement;

(*b*) Prorate District No. 2: 400 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of January 1949.

[SEAL] M. W BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Jan. 30, 1949, to 12:01 a. m. Feb. 6, 1949]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.3302
A. F. G. Corona	.3724
A. F. G. Fullerton	.0410
A. F. G. Orange	.0353
A. F G. Riverside	7084
Hazeltine Packing Co	.0556
Placentia Pioneer Valencia Growers Association	.0563
Signal Fruit Association	.0320
Azusa Citrus Association	.0706
Damerel-Allison Co	1.1054
Glendora Mutual Orange Association	.4867
Irwindale Citrus Association	4152
Puente Mutual Citrus Association	.0429
Valencia Heights Orchards Association	.1619
Covina Citrus Association	1.6197
Covina Orange Growers Association	.4698
Glendora Citrus Association	.9366
Glendora Heights Orange & Lemon Growers Association	.1556
Gold Buckle Association	3.0743
La Verne Orange Association	4.3527
Anaheim Citrus Fruit Association	.0701
Anaheim Valencia Orange Association	.0226
Eadington Fruit Co., Inc	.2950
Fullerton Mutual Orange Association	.2092
La Habra Citrus Association	.1181
Orange County Valencia Association	.0306
Orangethorpe Citrus Association	.0208
Placentia Cooperative Orange Association	.0284
Yorba Linda Citrus Association, The	.0101
Alta Loma Heights Citrus Association	.3243
Citrus Fruit Growers	1.0469
Cucamonga Citrus Association	.4545
Etiwanda Citrus Fruit Association	.2260
Mountain View Fruit Association	.1451

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Old Baldy Citrus Association	0.4145
Rialto Heights Orange Growers	4361
Upland Citrus Association	2.2971
Upland Heights Orange Association	.9802
Consolidated Orange Growers	.0213
Frances Citrus Association	.0046
Garden Grove Citrus Association	.0374
Goldenwest Citrus Association	.0853
Olive Heights Citrus Association	.0515
Santa Ana-Tustin Mutual Citrus Association	.0187
Santiago Orange Growers Association	.1599
Tustin Hills Citrus Association	.0389
Villa Park Orchard Association	.0330
Bradford Bros., Inc	.2053
Placentia Mutual Orange Association	.1650
Placentia Orange Growers Association	.2159
Yorba Orange Growers Association	.0343
Call Ranch	.5789
Corona Citrus Association	.8707
Jameson Co	.3743
Orange Heights Orange Association	1.3893
Crafton Orange Growers Association	1.3149
East Highlands Citrus Association	4234
Fontana Citrus Association	4768
Highland Fruit Growers Association	.6226
Redlands Heights Groves	.9331
Redlands Orangedale Association	.9741
Break & Son, Allen	.2678
Bryn Mawr Fruit Growers Association	1.1593
Mission Citrus Association	7429
Redlands Cooperative Fruit Association	1.8703
Redlands Orange Growers Association	1.0688
Redlands Select Groves	4681
Rialto Citrus Association	.6681
Rialto Orange Co	.3112
Southern Citrus Association	.9702
United Citrus Growers	.8254
Zilen Citrus Co	7528
Andrews Brothers of California	.0794
Arlington Heights Citrus Co	7350
Brown Estate, L. V. W	1.6878
Gavilan Citrus Association	1.8319
Hemet Mutual Groves	.2595
Highgrove Fruit Association	7321
Krinard Packing Co	1.6355
McDermont Fruit Co	1.8059
Monte Vista Citrus Association	1.3629
National Orange Co	.8844
Riverside Heights Orange Growers Association	1.2845
Sierra Vista Packing Association	.8260
Victoria Avenue Citrus Association	2.4228
Claremont Citrus Association	1.1602
College Heights Orange and Lemon Association	1.2493
El Camino Citrus Association	4192
Indian Hill Citrus Association	1.2118
Pomona Fruit Growers Exchange	1.6531
Walnut Fruit Growers Association	4651
West Ontario Citrus Association	1.1260
El Cajon Valley Citrus Association	.1707
Escondido Orange Association	4622
San Dimas Orange Growers Association	1.2672
Ball & Tweedy Association	.0682
Canoga Citrus Association	.0738
Covina Valley Orange Co	.2450
North Whittier Heights Citrus Association	.1292
San Fernando Fruit Growers Association	.3459
San Fernando Heights Orange Association	.3476

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.2263
Camarillo Citrus Association	.0093
Fillmore Citrus Association	1.1421
Ojai Orange Association	.8459
Piru Citrus Association	1.0173
Santa Paula Orange Association	.1124
Tapo Citrus Association	.0392
East Whittier Citrus Association	.0037
El Ranchito Citrus Association	.0538
Whittier Citrus Association	.1326
Whittier Select Citrus Association	.0309
Anaheim Cooperative Orange Association	.0521
Bryn Mawr Mutual Orange Association	.5159
Chula Vista Mutual Lemon Association	.1219
Escondido Cooperative Citrus Association	.0883
Euclid Avenue Orange Association	3.0020
Foothill Citrus Union, Inc	.1689
Fullerton Cooperative Orange Association	.0270
Garden Grove Orange Cooperative, Inc	.0283
Golden Orange Groves, Inc	.3031
Highland Mutual Groves	.3467
Index Mutual Association	.0036
La Verne Cooperative Citrus Association	3.6864
Metone Heights Association	.6635
Olive Hillside Groves, Inc	.0123
Orange Cooperative Citrus Association	.0293
Redlands Foothill Groves	2.9807
Redlands Mutual Orange Association	.9875
Riverside Citrus Association	.2674
Ventura County Orange & Lemon Association	.1751
Whittier Mutual Orange & Lemon Association	.0199
Babijuice Corp. of Calif	4358
Cherokee Citrus Co., Inc	1.2604
Chess Co., Meyer W	.2552
Evans Bros. Packing Co	1.1151
Gold Banner Association	2.0178
Granada Packing House	.2912
Hill Packing House, Fred A	.6574
Inland Fruit Dealers, Inc	.3097
MacDonald Fruit Co	.1235
Orange Belt Fruit Distributors	1.7079
Panno Fruit Co., Carlo	.0703
Paramount Citrus Association	.1902
Placentia Orchard Co	.0693
San Antonio Orchard Co	1.1831
Snyder & Sons Co., W. A	7106
Torn Ranch	.0497
Wall, E. T	1.7036
Western Fruit Growers, Inc., Redlands	3.2094

[F. R. Doc. 49-762; Filed, Jan. 28, 1949; 11:18 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 6]

PART 550 — FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

ACCOUNTING AND AUDIT

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

Section 550.8 (c) of this part is amended to read as follows:

§ 550.8 *Accounting and audit.* * * *

(c) *Audits.* A sponsor shall permit authorized representatives of the Administrator to audit the project records and accounts to determine the allowability of project costs and the amount of Federal participation in the cost of the project. Progress audits may be made at any time during the life of the project at the discretion of the Regional Administrator. If work is suspended on the project for an appreciable length of time, an audit will be made prior to a semi-final grant payment, as provided in § 550.9 (d) A final audit will be made prior to final payment, as provided in § 550.9 (e).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170; 49 U. S. C. 1101 et seq.)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-692; Filed, Jan. 28, 1949; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 39]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

Part 373, Licensing Policies and Related Special Provisions, is amended in the following particulars:

1. Section 373.11 *Special provisions for lumber, processing code LUMB* is deleted.

2. Section 373.14 *Special provisions for caustic soda* is deleted.

3. Section 373.13 *Special provisions for diamonds* is amended as follows:

a. Paragraph (a) *Definitions* is amended by adding thereto a new subparagraph (3) to read as follows:

(3) Machines containing as an integral part thereof a tool or device incorporating diamonds.

b. Subparagraph (4) of paragraph (c) *Application requirements* is redesignated (5) and a new subparagraph (4) is added to read as follows:

(4) When a tool or device incorporating diamonds is to be shipped as an integral part of a machine, the machine may be listed together with tools and devices incorporating diamonds in a single application; however, when the tools or devices incorporating diamonds are not an integral part of the machine but shipped as spares or extras, separate license applications must be submitted.

The third part of this amendment shall become effective as of January 7, 1949.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 58 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub.

Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245; E. O. 9919, Jan. 3, 1948, 13 F R. 59)

Dated: January 24, 1949.

FRANCIS MCINTYRE,
Assistant Director
Office of International Trade.

[F. R. Doc. 49-719; Filed, Jan. 28, 1949; 8:53 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter F—Organized Reserves

PART 861—OFFICERS' RESERVE CORPS

GENERAL OFFICERS OF U. S. AIR FORCE RESERVE

Part 861 is hereby amended by adding §§ 861.71 to 861.79 as follows:

GENERAL OFFICERS OF THE UNITED STATES AIR FORCE RESERVE

Sec.
861.71 Appointment.
861.72 Number of Reserve general officers authorized.
861.73 Eligibility.
861.74 Qualifications.
861.75 Promotion to major general.
861.76 Examining boards.
861.77 Examinations.
861.78 Assignment and reassignment.
861.79 Transfers to Honorary Reserve, Honorary Retired List, or Air Force of the United States Retired List.

AUTHORITY: §§ 861.71 to 861.79 issued under sec. 37, 39 Stat. 189, sec. 32, 41 Stat. 775, sec. 2, 42 Stat. 1033, sec. 3, 48 Stat. 154, secs. 207 (f), 208 (e), 61 Stat. 502, 503; 10 U. S. C. 351-353, 355a, 358; 5 U. S. C. Sup. 626, 626c; Transfer Order 10, April 27, 1948, 13 F. R. 2428.

DERIVATION: AFR 45-6, December 21, 1948.

§ 861.71 *Appointment.* Appointment of general officers will be made in the United States Air Force Reserve under authority contained in section 37 of the National Defense Act, as amended, for a period of five years. Officers of the United States Air Force (Regular establishment) (active or retired) are not eligible for appointment.

§ 861.72 *Number of Reserve general officers authorized.* The authorized number of Reserve general officers and grades will be based on existing Table of Organization and Equipment positions established by the current United States Air Force Reserve troop basis and an additional number authorized for staff positions. The number of staff positions for Reserve general officers will be established from time to time by the Secretary of the Air Force as required by the needs of the Air Force. General officers of the Honorary Air Reserve will be in excess of the above authorization.

§ 861.73 *Eligibility.* (a) Officers who have served on active duty in the Army of the United States or Air Force of the United States for a period of at least six months subsequent to December 7, 1941 (including those now on active duty) and who, during that period, held the grade of general officer, may be recommended for appointment as general officers in the United States Air Force Reserve in the highest grade held satisfactorily during that period; *Provided,* They meet the moral, physical, and age requirements. Those who are otherwise qualified, as indicated above, but do not meet the physical or age requirements may apply for appointment in the United States Air Force Honorary Reserve only.

(b) Officers who have served on active duty in the Army of the United States or Air Force of the United States for at least six months subsequent to December 7, 1941 and who did not hold the grade of general officer during that period, and who meet the requirements of § 861.74, may, after appearance before a board of officers (see § 861.76) be recommended for appointment as brigadier general in the United States Air Force Reserve to fill existing position vacancies in Reserve units or in Reserve staff positions.

§ 861.74 *Qualifications.* Officers must meet the following qualifications for appointment in the United States Air Force Reserve:

(a) *Age.* At the time of appointment a candidate for the grade of brigadier general or major general must have at least one year to serve before he reaches the statutory age prescribed for the retirement of United States Air Force officers of that grade.

(b) *Physical.* Physical requirements for appointment or promotion of general officers will be those prescribed in Army Regulations 40-100 and 40-105.

(c) *Professional.* Satisfactory demonstration of qualifications by actual service on active duty in the Air Force of the United States or Army of the United States for at least six months subsequent to December 7, 1941 in the grade and position contemplated or by the satisfactory discharge of duties of corresponding and equal responsibility.

§ 861.75 *Promotion to major general.* Promotion to the grade of major general will be made from among those brigadier generals who have served as brigadier generals in the United States Air Force Reserve for at least one year.

§ 861.76 *Examining boards*—(a) *Appearance before.* Candidates for appointment as general officers for assignment in the United States Air Force Reserve or for promotion to a higher grade will be examined by a board of officers appointed by the Chief of Staff, United States Air Force, to determine their general fitness. Within the limitations of available funds candidates may be called to active duty for the purpose of appearing before the board.

(b) *Composition of the board.* Examining boards will consist of not less than five Air Force general officers senior to the officer being examined, three of whom, whenever practicable, but at least two, will be members of the United States Air Force Reserve, whether or not on active duty, and two or more United States Air Force officers. In addition, a medical member and a recorder will be appointed who will serve without vote. No officer will serve on two consecutive boards when the second of such boards considers any officer who was examined, but not recommended for promotion by the first board.

(c) *Procedure of board*—(1) *Attendance of candidates.* All candidates for original appointment and promotion are required to appear in person before the examining board.

(2) *Attendance of members.* If sufficient members are not present as specified in paragraph (b) of this section the board will adjourn until a sufficient attendance is secured.

(3) *Challenges.* After the board has been assembled, the candidate will be given an opportunity to challenge any member or members for cause, but the candidate must state the cause on which each challenge is based. The board, exclusive of the challenged member, will determine the validity of the challenge. When a challenge is sustained, if the elimination of the challenged member would reduce the board below the minimum number of members specified in paragraph (b) of this section, the board will suspend proceedings and transmit the record of proceedings to the appointing authority, who may approve the action of the board and replace the challanged member or disapprove the action and direct the board to proceed.

(4) *Testimony.* Any questions that arise during the examination which require the introduction of evidence, the testimony of witnesses will be taken orally, if the witnesses are available immediately. If the witnesses are not available immediately their testimony will be taken by depositions prepared in accordance with the Manual for Courts-Martial. All witnesses will be sworn, the oath being the same as that administered to witnesses in trials by courts-martial. Witnesses examined orally will be sworn by the recorder. The candidate will be given an opportunity to cross-examine witnesses who testify by deposition. The board will insure that each candidate is furnished full opportunity to present any testimony he desires or to refute any testimony given.

§ 861.77 *Examinations.* The board will investigate thoroughly the candidate's professional, moral, and physical qualifications and weigh carefully the evidence as to his suitability for the appointment, promotion, and assignment for which he is being considered. A final-type physical examination will be given. The board will inquire into the moral character of the candidate. He will be questioned carefully and may be required to submit in writing such information as the board may desire. The board is authorized to seek verification of the candidate's statements or additional information from reliable sources. The candidate will be informed of any unfavorable statements of fact relative to his moral character and will be given an opportunity to refute or explain such statements. The professional examination will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may consider necessary. A candidate who has been found disqualified for other than moral reasons may apply for reexamination after a pe-

riod of one year from the prior examination.

§ 861.78 *Assignment and reassignment.* The assignment and reassignment of all United States Air Force Reserve general officers will be made by the Chief of Staff, United States Air Force.

§ 861.79 *Transfers to Honorary Reserve, Honorary Retired List, or Air Force of the United States Retired List.* A United States Air Force Reserve general officer whose service has been honorable will be transferred to the United States Air Force Honorary Reserve, Honorary Retired List, or Air Force of the United States Retired List, when:

(a) *Honorary Reserve.* He has not reached the statutory retirement age prescribed for officers of the United States Air Force or has completed twenty years of service and makes application for such transfer.

(b) *Honorary Retired List.* He has reached statutory retirement age or is found physically disqualified and is not eligible for retirement under Public Law 810, 80th Congress.

(c) *Air Force of the United States Retired List.* He has reached the statutory retirement age and has twenty years of service.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-693; Filed, Jan. 28, 1949; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior.

[Circular 1722]

PART 196—PHOSPHATE LEASES AND USE PERMITS

This part is hereby completely revised as follows:

PHOSPHATE LEASES

Sec.
196.1 Statutory authority.
196.2 Size of leasehold and limitation of acreage holdings.
196.3 Qualifications of applicants.
196.4 Minimum expenditure and lease bond.
196.5 Minimum production.
196.6 Lessee's petition for change in minimum production.
196.7 Application for lease.
196.8 Noncompetitive application; publication; protests.
196.9 Issuance of noncompetitive lease.
196.10 Offer of lands or deposits for lease by competitive bidding.
196.11 Notice of lease offer.
196.12 Action by successful bidder.
196.13 Assignments of leases; subleases.
196.14 Readjustment of terms and conditions at end of twenty-year periods.
196.15 Relinquishment of lease.
196.16 Cancellation of lease.
196.17 Use of silica, limestone or other rock.
196.18 Use permits for additional lands.
196.19 Claims initiated prior to February 25, 1920.

AUTHORITY: §§ 196.1 to 196.19 issued under secs. 9–12, 32, 41 Stat. 440, 441, 450; 30 U. S. C. 211–214, 189.

PHOSPHATE LEASES

§ 196.1 *Statutory authority.* Sections 9 to 12, inclusive, of the act approved February 25, 1920 (41 Stat. 440; 441, 30 U. S. C. 211–214) as amended, authorizes the Secretary of the Interior to lease any phosphate deposits of the United States and lands belonging to the United States containing deposits of phosphates and associated or related minerals, hereinafter called "leased deposits." Invitations to bid for such leases will be made in accordance with the procedure hereinafter set forth. Leases will be issued on Form 4–1110 for periods of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease and upon the further condition that at the end of each 20 year period such reasonable readjustment may be made of the terms and conditions thereof as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such periods.

§ 196.2 *Size of leasehold and limitation of acreage holdings.* Leases may embrace not exceeding 2,560 acres reasonably compact in form. Each lease shall describe the lands involved by legal subdivisions of the public land surveys. No person, association or corporation, may hold at any one time more than 5,120 acres in any one State, or more than 10,240 acres in the United States, whether directly through the ownership of phosphate leases or interests in such leases, or indirectly as a member of an association or associations or as a stockholder of a corporation or corporations, holding such leases or interests therein or both.

§ 196.3 *Qualifications of applicants.* Leases may be issued to (a) citizens of the United States, (b) associations of citizens, and (c) corporations organized under the laws of the United States or of any State or Territory thereof.

§ 196.4 *Minimum expenditure and lease bond.* (a) An actual bona fide expenditure for prospecting, where necessary, and mine operations, development, or improvement purposes of the amount determined by the Secretary of the Interior will be a condition in each lease as to the minimum basis on which it will be granted, with the requirement that not less than one-third of such expenditure shall be made during the first year, and a like amount each year for the two succeeding years, the expenditure during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years. Except as to the sums required to be expended for prospecting on the leased land, the minimum expenditure requirement may be met, when so authorized in the lease, by expenditures made or to be made off the leased land but for its benefit.

(b) A bond, in such sum as may be fixed in the notice of leasing but in no event less than $5,000, executed by the lessee with approved corporate surety on Form 4–1113 or the lessee's personal bond on Form 4–1114, conditioned upon compliance with the expenditure requirement and the other terms of the lease will be required. Personal bonds must be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond.

§ 196.5 *Minimum production.* Each lease will contain appropriate conditions fixing a minimum annual production of the leased deposits beginning with the fourth year from date thereof or payment of a minimum royalty in lieu thereof, except when production is interrupted by strikes, the elements, casualties not attributable to the lessee, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss. When authorized in the lease the minimum production requirements may be satisfied by production from other properties controlled by the lessee and constituting a necessary reserve so located as to be a part of a successful unit operation.

§ 196.6 *Lessee's petition for change in minimum production.* The lessee may request at any time prior to the end of the thirtieth lease month, that the Secretary reduce the amount of the minimum production specified in the lease upon the basis of the showing submitted by the lessee. The petition must be filed in duplicate with the office from which his lease was delivered. It should give, among other relevant information, (a) his estimate of tonnage of mineral phosphate rock and associated or related minerals in the leased land, (b) all available information as to the grade thereof, (c) his plan of operation for the property and adjacent property to be worked therewith, (d) a general statement of the method or methods which he intends to use in mining and procesing of the phosphate rock and associated or related minerals, (e) the estimated rate of its extraction and (f) possible absorption in the markets. Within six months after receipt of this information the Secretary, after considering what would be a reasonable period within which to mine the leased deposits taking into account, where material, the lessee's mining operations on adjacent phosphate land owned or controlled by him, will determine whether the minimum production requirement in the lease shall be changed to a lesser figure than the amount then provided.

§ 196.7 *Application for lease.*[1] Application for lease must be filed in duplicate in the proper district land office or, for lands or deposits in States in which there is no district land office, in the Bureau of Land Management, Washington 25, D. C. The application, if for a noncompetitive lease, must be accompanied by the first year's rental of twenty-five cents per acre for each acre of land included in the lease application. No specific form is required but the application should cover the following points:

(a) Applicant's name and address.

[1] 18 U. S. C. section 80 makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any or fraudulent statement as to any matter within its jurisdiction.

(b) A statement of his interests, direct or indirect, whether as a member of an association or stockholder in a corporation, or otherwise in other phosphate leases or applications therefor on public lands, identifying the same by land office and serial number together with the total amount of acreage so held both in the State in which the lease is desired and in the United States, and a statement that such holdings under said act within the State in which the land is situated, together with the lands applied for, do not exceed in the aggregate 5,120 acres and a like statement with respect to the maximum allowable area of 10,240 acres in the United States.

(c) Proof of citizenship; in the case of an individual, by a statement as to whether native-born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate, if known; if a woman, whether she is married or single, and if married, the date of her marriage and citizenship of her husband. Associations are required to file a certified copy of their articles of association and the same showing as to the citizenship and holdings of their members as required of an individual and specified herein. Corporations are required to file a certified copy of their articles of incorporation and a showing as to residence and citizenship of the stockholders; if 20 percent or more of the stock of any class is owned or controlled by any one stockholder, a separate showing of his citizenship and holdings. In case any of the stock of the corporation is held by aliens, a showing is required giving, to the extent reasonably ascertainable, the name, the country to which each owes allegiance and the amount of stock held by each.

(d) Description of the land for which lease is desired, by legal subdivisions or, if unsurveyed, by metes and bounds, connected with a corner of the public survey by course and distance, and, where possible, description of the land by the approximate subdivisions of the future survey.

(e) To the extent such information is known to the applicant, a description of the phosphate and associated or related mineral deposits in the land based upon such actual examination as can be effected without an injury to the land or deposits, (such examination shall not be deemed a trespass) giving nature and extent of the deposits; an outline in general terms of the proposed method of mining and processing the same; the proposed investment in mining operations thereon, and processing facilities therefor.

(f) Each applicant must show in sufficient detail that:

(1) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(2) He intends to explore, mine and develop the property in good faith;

(3) He is financially and otherwise able to comply with the minimum expenditure requirements for exploration, mining and development of the property; and

(4) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

(g) The applications must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings. Application on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

(h) And in addition, in the case of noncompetitive lease applications, the extent to which further prospecting is necessary before development can reasonably be undertaken and the general exploration program which will be undertaken, the estimated expenditure under such exploration program, and the maximum period of time required for its completion, not to exceed three years.

§ 196.8 *Noncompetitive application; publication, protests.* (a) If, upon an examination of the first application filed to lease the lands noncompetitively, and such additional information as the applicant may be required to submit, in support of it, and upon the report of the Geological Survey as to the need for further exploration and any other technical matters submitted to it, the Secretary determines that the applicant is qualified, and that the lands or deposits constitute an acceptable leasing unit and are subject to phosphate lease and that further exploration is necessary before development could reasonably be undertaken, the applicant, as a condition precedent to the issuance of the lease, will be required to publish, at his own expense, once a week for four consecutive weeks in a designated newspaper of general circulation in the county or counties in which the land is situated, a notice, specified by the Secretary, containing the terms upon which the lease will be issued to the applicant in the absence of a protest deemed valid by the Secretary. The applicant will be required to commence publication within 30 days after service of the decision upon him unless he requests reconsideration of the decision within that time.

(b) The notice shall describe the land, specify the rental and rate of royalty to be paid under the lease, state the minimum expenditure and minimum production requirements, together with a general statement as to the exploration program required by the Secretary to be undertaken by the applicant after lease issuance to ascertain that development is feasible under the lease. The notice shall also state (1) that the minimum production requirement will not be reduced or waived at the lessee's request except as provided in § 196.5, 196.6, 191.25 or 191.26, and (2) that the lease will be canceled if apart from or in addition to any other grounds that may exist therefor, production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease. A copy of the notice will be posted in the district land office after receipt by the manager.

(c) A valid protest may be based upon (1) a prior equitable claim, including a mining location, or (2) the fact that there is sufficient interest by qualified applicants to justify offer of lease by competitive bidding. A protest based upon the second ground must be accompanied by the payment of the first year's rental of 25¢ per acre for the land, together with a showing that the protestant has the qualifications of an applicant under § 196.7. In addition, there must be set forth in the protest an offer to reimburse the applicant in whole, or ratably with other similar protestants, for the cost of publishing the notice of the application. Decisions on protests will be made within 30 days after the applicant has submitted proper proof of publication. No application will be rejected on the second ground unless proof is filed that, when directed by the Secretary, payment of the advertising cost has been made or a satisfactory tender is being made and is still being kept open. If the protest is rejected or if the protestant is not the successful bidder when a sale is held, his rental payment will be returned to him.

(d) If the Secretary decides after the receipt of an application or after proof of advertising has been submitted that the land is not available for leasing or that the applicant is not entitled to a lease or that the land should be offered for competitive bidding, the rental payment will be returned to the applicant and his application for a noncompetitive lease rejected.

§ 196.9 *Issuance of noncompetitive lease.* The applicant should file with the district land office, within 30 days after publication has been completed, proof thereof, together with a lease duly executed by him in quintuplicate on Form 4–4110 and the bond required by § 196.4 (b) In the absence of protest or of a protest deemed valid and if all else is regular, the lease will be issued and dated as of the first day of the month following its issuance, unless the applicant requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the lessee need not deposit the executed lease and bond until the land has been surveyed and the plat of such survey accepted and officially filed. A survey will be made at the expense of the Government. If the applicant has not reported compliance with the requirements of the decision issued under § 196.8, within 120 days of its receipt by him, the fees and annual rental deposited by the applicant will be covered into the Treasury and the applicant advised that the case has been closed.

§ 196.10 *Offer of lands or deposits for lease by competitive bidding.* If the Secretary of the Interior, upon the report of the Geological Survey, with respect to an application for lease or otherwise, as to the need for further exploration, royalty rates, minimum expenditure and production requirements and any other technical matters submitted to it, determine that specific lands or deposits which constitute an acceptable leasing unit are

subject to phosphate lease without the need of further exploration before development could reasonably be undertaken, the offer of lease will be made on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bids either at public auction or by sealed bids as provided in the notice of sale.

§ 196.11 *Notice of lease offer* Notice under the preceding section, of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, and in such other publications as the Director, Bureau of Land Management, may authorize. The notice will be published at the expense of the Government. A copy of the notice will be posted in the proper district land office during the period of publication. The notice of publication shall state the place where and the date and hour on which bids will be received, and whether the sale will be at public auction or by sealed bids, and shall describe the land, the rental and rate of royalty to be charged, the minimum investment and the minimum production required. The notice shall also state (1) that the minimum production requirement will not be reduced or waived at the lessee's request except as provided in §§ 196.5, 196.6, 191.25, or 191.26, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; and (2) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease. The right is reserved by the Secretary, in the public interest, to reject any and all bids; and should a bid be rejected, the deposit made by the bidder will be returned.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management, to hinder or prevent bidding thereon, in violation of section 59 of the Criminal Code of the United States, approved March 9, 1909 (35 Stat. 1099; 18 U. S. C. 113).

§ 196.12 *Action by successful bidder.* The successful bidder at a sale by public auction must deposit with the manager of the district land office or other officer conducting the sale on the day of sale, and each bidder, if the sale is by sealed bids, must submit with his bid the following: Certified check, money order, or cash, for one-fifth of the amount bid by him; evidence of qualifications as prescribed in §§ 196.7 (b) (c) (g) and (h) if a current showing in that regard has not been filed. If the land is surveyed, the successful bidder will be allowed 30 days from date of auction or where sealed bids are submitted, 30 days from receipt of notice that his bid has been accepted within which (a) to file in the proper land office a lease, duly executed by him, in quintuplicate, on Form 4–1110 and the bond required by § 196.4 (b) and (b) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with requirements (a) and (b) in this section until the land has been surveyed and the plat of such survey accepted and officially filed. The survey will be made at the expense of the Government. If the bidder fails to comply after due service of notice, that portion of his deposit representing the minimum required to be deposited with the bid shall be held as liquidated damages and disposed of as other receipts under the Mineral Leasing Act.

§ 196.13 *Assignments of leases; subleases.* Leases may be assigned or subleased in whole or in part to any person or corporation qualified to hold such leases. All instruments of transfer of a lease or of an interest therein including assignments of record title, subleases, operating agreements and working or royalty interests, must be filed for approval within 90 days from the date of final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required if a lease applicant by § 196.7 (b) (c) (g) and (h). If the instruments fail to describe the true consideration therefor, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Assignments of record title interests, including operating agreements, must be filed in triplicate. A single executed copy of all other instruments or transfer is sufficient. An assignment of such leases shall take effect the first day of the month following its final approval by the Director, Bureau of Land Management, or if the assignee requests, the first day of the month of the approval.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the effective date of the approval of the assignment of sublease. If the assignment or sublease is not approved, their obligations to the United States shall continue as though no such assignment or sublease had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any term in the assignment or sublease to the contrary.

The lease account must be in good standing before approval of an assignment will be given.

§ 196.14 *Readjustment of terms and conditions at end of twenty-year periods.* The terms and conditions of a lease may be readjusted at the end of each twenty-year period succeeding the date of the lease. Prior to the expiration of that period, the lessee will be advised of the reasonable readjustment of terms proposed by the Department or notified that no readjustment is to be made for the next period. The lessee may file his consent to such proposed readjustment or inform the Department as to the terms which are unsatisfactory. After considering the suggestions of the lessee, the Secretary shall make his determination as to the reasonable readjustment of terms to be effective for the twenty-year period under consideration.

§ 196.15 *Relinquishment of lease.* Upon payment of all rentals, royalties and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, the lessee may surrender the entire lease at any time during the first three years of the lease. The lessee may during the first three years of the lease, upon a satisfactory showing that the public interest will not be impaired, surrender any legal subdivision or subdivisions of the area included within the lease. In no case will such lease be so terminated in whole or in part until and unless the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered thereby. The surrender of all or part of a lease after the third year may be permitted in the discretion of the Secretary and only if the conditions specified in this section have been satisfied. A surrender must be by a relinquishment filed, in triplicate, in the proper land office. A relinquishment upon its approval shall take effect as of the date it is filed.

§ 196.16 *Cancellation of lease.* If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 196.14, or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act, provided, that, as to any default occurring under a lease issued noncompetitively not corrected prior to the commencement of production, the Secretary may cancel such lease without institution of such court proceedings. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause or forfeiture, or for the same cause occurring at any other time.

§ 196.17 *Use of silica, limestone or other rock.* Any lease to develop and extract phosphates, phosphate rock, and associated or related minerals under the provisions of the act shall provide that the lessee may use so much of any deposit of silica or limestone or other rock situated on any public lands embraced in the lease as may be utilized in the processing or refining of the leased deposits or deposits from other lands upon payments of such royalty as may be determined by the Secretary of the Interior, which royalty may be stated in the lease when issued, or, may be provided for by

an attachment to the lease to be duly executed by the lessor and the lessee.

§ 196.18 *Use permits for additional lands.* (a) A lessee may be granted a right to use the surface of not exceeding 80 acres of unappropriated and unentered public land not included within the boundaries of a national forest as may be necessary for the proper extraction, treatment, or removal of the leased deposits. The annual charge for the use of such land will be not less than $1.00 per acre or fraction thereof.

(b) Applications for permits for such additional land shall be filed in the office specified in § 196.7. Such applications must set forth the specific reasons why the additional land is necessary to the lessee for the use named, describe the land desired in accordance with § 196.7 (d) and also set forth the reasons why the land is desirable and adapted to the uses named, either in point of location, topography, or otherwise, and that it is unoccupied and unappropriated. The application must also contain an agreement to pay the annual charge prescribed in the permit. Use permits will be issued on Form 4–1111 dated as of the first day of the month after its issuance unless the lessee requests that it be dated the first day of the month of issuance.

§ 196.19 *Claims initiated prior to February 25, 1920.* Section 37 of the act of February 25, 1920 (41 Stat. 451, 30 U. S. C. 193) provides that thereafter the deposits of phosphates described in the act may be disposed of only in the manner provided by the act, "except as to valid claims existent at date of passage of this act, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under said laws, including discovery." Those claims initiated under the pre-existing law may go to patent which, at the date of the act, were valid mining locations, duly made and maintained as such on lands subject to such location at the date initiated.

Effective date. These regulations shall become effective 30 days after their publication in the FEDERAL REGISTER.

MARION CLAWSON,
Director

Approved: January 14, 1949.

J. A. KRUG,
Secretary of the Interior

[F. R. Doc. 49-703; Filed, Jan. 28, 1949; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

SWITCHING AND TERMINAL ANNUAL REPORT FORM D

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of January A. D. 1949.

The matter of Annual Reports from Switching and Terminal Companies of Class III being under consideration:

It is ordered, That the order of November 24, 1947, In the Matter of Annual Reports from Switching and Terminal Companies of Class III (49 CFR, 120.13) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1948, and subsequent years, as follows:

§ 120.13 *Form prescribed for small switching and terminal companies.* All switching and terminal companies of Class III subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form D (Small Switching and Terminal Companies) [1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: Budget Bureau No. 60-R100.5.

By the Commission, Division 1.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 49-697; Filed, Jan. 28, 1949; 8:47 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ELECTRIC RAILWAY ANNUAL REPORT FORM G

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of January A. D. 1949.

The matter of Annual Reports from Electric Railway Companies being under consideration:

It is ordered, That the order dated November 24, 1947, In the Matter of Annual Reports from Electric Railways (49 CFR, 120.21) be, and it is hereby, modified with respect to annual reports for the year ended December 31, 1948 and subsequent years, as follows:

§ 120.21 *Form prescribed for electric railways.* All electric railway companies subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form G (Electric Railways) [1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: Bureau Budget No. 60-R102.5.

By the Commission, Division 1.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 49-696; Filed, Jan. 28, 1949; 8:46 a. m.]

[1] Filed as part of the original document.

Subchapter C—Carriers by Water

PART 301—REPORTS

CARRIERS BY WATER; ANNUAL REPORT FORM K-C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of December A. D. 1948.

The matter of Annual Reports from Carriers by Water being under consideration:

It is ordered, That the order dated January 23, 1943, In the Matter of Annual Reports from Carriers by Water of Class C (49 CFR, 120.51b) be, and it is hereby canceled with respect to annual reports for the year ended December 31, 1948, and subsequent years, and the following order is hereby substituted in lieu thereof.

§ 301.30 *Annual report form prescribed for carriers by water of Class C.* All carriers by water of Class C (49 CFR, 126.2) subject to the provisions of section 313, Part III of the Interstate Commerce Act are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form K-C (Class C Water Carriers) [1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates. (54 Stat. 944, 49 U. S. C. 913)

NOTE: Budget Bureau No. 60-R107.5.

By the Commission, Division 1.

[SEAL] W. P BARTEL,
Secretary.

[F. R. Doc. 49-694; Filed, Jan. 28, 1949; 8:45 a. m.]

Subchapter D—Freight Forwarders

PART 445—ANNUAL REPORTS

FREIGHT FORWARDER ANNUAL REPORT FORM F-A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January A. D. 1949.

The matter of Annual Reports from Freight Forwarders being under consideration:

It is ordered, That the order of January 18, 1943, In the Matter of Annual Reports from Freight Forwarders (49 CFR, 445.1) be, and it is hereby modified

with respect to annual reports for the year ended December 31, 1948, and subsequent years, as follows:

§ 445.1 *Form prescribed for freight forwarders.* All Freight Forwarders of Class A (§ 445.3) within the scope of section 412, Part IV of the Interstate Commerce Act are hereby required to file annual reports for the year ended December 31, 1948, and for each succeeding year until further order, in accordance with Annual Report Form F-a (Freight Forwarder) [1] which is hereby approved and made a part of this section. The annual report shall be filed in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates. (Sec. 412, 56 Stat. 294; 49 U. S. C. 1012)

NOTE: Budget Bureau No. 60-R200.6.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-695; Filed, Jan. 28, 1949; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 934]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (13 F. R. 8585) notice is hereby given of a hearing to be held at the Essex County Superior Court House, 40 Appleton Street, Lawrence, Massachusetts, beginning at 10:00 a. m., e. s. t., February 3, 1949 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area (8 F. R. 3114, 8294; 10 F. R. 3125; 11 F. R. 5896, 10695, 14096; 12 F. R. 4929; 13 F. R. 1642)

These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments with respect to which evidence will be received are as follows:

1. (Proposed by the New England Milk Producers' Association) Delete § 934.6 (d) (2) (iii) and substitute the following:

(iii) Using the midpoint in any range as one price, compute the average of the prices per pound of roller process nonfat dry milk solids suitable for human consumption, in barrels, in carlots, as published during the month by the United States Department of Agriculture for New York City, subtract for each month the amount indicated in the following table, and multiply the remainder by 7.5.

Month:	*Amount (cents)*
October through February	5.0
March, April, and July	6.6
May and June	7.4
August and September	5.8

2. (Same proponent as No. 1) Amend § 934.6 (e) to increase the differentials set forth therein by 10 cents per hundredweight.

3. (Proposed by H. P Hood & Sons) Amend § 934.10 (c) relating to the butterfat differential so as to bring the calculation into line with the recent amendment to the Boston order. This involves essentially the following: Subtract 52.5 cents from the f. o. b. Boston weighted average price for 40 percent cream and divide the remainder by 334.8.

4. (Same proponent as No. 3) Amend § 934.8 (e) relating to milk caused to be delivered from producers to other handlers so as to read as follows:

(e) In case of a handler of Class I milk in the marketing area who purchases milk regularly from producers and diverts all or part of such milk in any delivery period to the receiving plant of another handler or to another of the handler's own receiving plants at which no milk is otherwise received from producers, the milk shall be considered as received from producers by the handler at the plant which such milk is regularly delivered by the producers and as moved to the plant to which the milk is diverted.

5. (Same proponent as No. 3) Amend § 934.8 (f) to prevent unintentional and accidental coverage by the Lowell-Lawrence order of dealers' plants located outside the marketing area by substituting language similar to the following:

(f) *Milk designated for other markets.* The provisions hereof shall not apply, except that the handler shall, with respect to his total receipts and utilization of milk, make reports to the Market Administrator at such time and in such manner as the Market Administrator may require and allow verification of such reports by the Market Administrator, to milk which is a part of the handler's normal supply for a market area other than the marketing area and is so designated by the handler: *Provided,* That such milk is classified in Class II or is disposed of outside the marketing area and is classified as Class I.

6. (Following proposals made by the Market Administrator) Delete § 934.3, substitute the following, and insert the new terms in their appropriate places in the order:

§ 934.3 *Definitions.* The following words and phrases shall have the following meanings unless the context requires otherwise:

[1] Filed as part of the original document.

(a) *General.* (1) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended:

(2) "Lowell-Lawrence, Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover, Billerica, Chelmsford, Dracut, Lawrence, Lowell, Methuen, North Andover, Tewksbury, Tyngsboro, Westford.

(3) "Boston order" and "New York order" means the respective orders, as amended, issued by the Secretary, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, and the New York metropolitan marketing area.

(4) "Month" means a calendar month.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler with respect to his deliveries in packaged form to another handler.

(4) "Producer" means any dairy farmer who delivers milk of his own production to a producer milk plant. The term shall also apply to a dairy farmer who ordinarily delivers milk to a producer milk plant, with respect to milk which the handler who operates the producer milk plant diverts to another plant, if that handler reports the milk as received from a producer and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston order, with respect to milk diverted from the plant subject to that order to which the dairy farmer ordinarily delivers.

(5) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(6) "Handler" means any person who engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(7) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk from other dairy farmers except producer-handlers.

(c) *Plants.* (1) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(2) "Producer milk plant" means any receiving plant which is also a regulated plant, except the plant of a producer-handler.

(3) "Regulated plant" means any plant from which fluid milk products which are classified as class I milk are disposed of, directly or indirectly, in the marketing area, except a plant at which the handling of milk is regulated under the Boston or New York orders or a plant located outside the New England States and New York.

(4) "City plant" means any plant which is located within 20 miles of the City Hall in Lowell or Lawrence.

(5) "Country plant" means any plant which is located beyond 20 miles of the City Halls in Lowell and Lawrence.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

7. In §§ 934.4, 934.7, 934.13, and 934.14, delete the words "herein" "hereto" "thereto" "hereof" "hereinafter" and "hereunder" and substitute comparable words to give the intended effect, such as "in this order" "to this order" and "under this order"

8. Delete § 934.5 and substitute the following:

§ 934.5 *Classification of milk and milk products*—(a) *Classes of utilization.* All milk received from producers, and all other milk and milk products which it is necessary to classify in order to classify milk received from producers, shall be classified in accordance with this section. Subject to the other paragraphs of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage, not in excess of 2 percent of the volume handled.

(b) *Basis of classification.* (1) Except as otherwise provided in this section, all fluid milk products received by handlers shall be classified in accordance with their utilization at the last plant at which they are received by any person who distributes milk or manufactures milk products.

(2) Cream shall be classified as Class II milk with respect to each handler who disposes of it in the form of cream.

(3) The burden of proof rests upon the handler who receives milk from producers to account for the milk, and to prove that it should not be classified as Class I milk.

(4) If a handler reports no Class II milk for a given month, and does not submit a revised report regarding classification of his milk within one month after filing the original report, all of his producer receipts during the given month shall remain classified as Class I milk.

(c) *Movements of fluid milk products, except cream, between plants.* (1) Fluid milk products, except cream, which are moved from a handler's plant to a regulated plant or to a plant subject to another order of the Secretary shall be classified as reported by the handler operating the shipping plant, or, if he submits no report, shall be classified as reported by the handler operating the plant to which the fluid milk products are moved. However, no greater quantity of fluid milk products shall be classified as Class II milk under this subparagraph than the total quantity of Class II milk, after deducting receipts of cream, at the plant to which the fluid milk products are moved.

(2) Fluid milk products, except cream, which are moved from a regulated plant to any unregulated plant, except a plant subject to another order of the Secretary, shall be classified as Class I milk, up to the total quantity of the same form of fluid milk products which are utilized as Class I milk at the unregulated plant.

9. In § 934.6 (a) increase all of the prices in the table in subparagraph (5) by 6 cents, and delete the words "effective after September 1947" in subparagraph (9)

10. Delete § 934.6 (c) and substitute the following:

(c) *Allocation of Class I milk to plants.* For the purpose of this section, each handler's Class I milk during each month, after deducting his receipts of Class I milk from other handlers, shall be considered to have been first, that milk which was received directly from producers at his city plant, and then that milk received from producers, which was shipped as fluid milk products, other than cream, from his country plants, in the order of the nearness of the plants to the City Halls in Lowell or Lawrence.

11. In § 934.7 (e) change the period at the end of the sentence to a comma, and add the following: "and the quantities of milk and milk products on hand at the end of the month."

12. Delete § 934.8.

13. Delete § 934.9 (a) and (b) and substitute the following:

(a) *Computation of value of milk received from producers by each handler* The value of the milk received from producers during the month by each handler shall be computed by the market administrator in the following manner:

(1) Multiply the quantity of such milk in each class by the price applicable in accordance with § 934.6 (a), (b), (c), and (d)

(2) Add together the resulting value of each class.

(b) *Computation of composite price payable by each handler* The composite price payable by each handler to producers for milk received from them during the month shall be computed by the market administrator in the following manner:

(1) Add to the total value computed in accordance with paragraph (a) of this section the amount of the differential applicable in accordance with § 934.10 (d)

(2) Subtract any amount which the handler is required to pay on the milk under the provisions of the Boston order because it represents outside milk as defined in § 904.1 (d) (6) (iii) of that order.

(3) Divide the remaining value by the total quantity of milk received by the handler from producers. The result is the composite price payable to producers for milk containing 3.7 percent butterfat.

14. In § 934.10 (b) change the symbols (i) and (ii) to (1) and (2), respectively.

15. Delete § 934.12 and substitute the following:

§ 934.12 *Expense of Administration.* Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe. For each month, the payment shall apply to the handler's receipts of milk from producers, including receipts from his own production, and the Class II milk, other than cream, which is received by him at a regulated plant from an unregulated plant. However no payment shall apply on his receipts from any plant at which the handling of milk is regulated under the Boston or New York orders.

16. Delete § 934.13 (c) and substitute the following:

(c) *Continuing obligations.* If, upon the suspension or termination of any or

all provisions of this order, there are any obligations under the order the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

17. Renumber §§ 934.3 to 934.5 as §§ 934.1 to 934.3 respectively, § 934.7 as § 934.5, and §§ 934.9 to 934.14 as §§ 934.7 to 934.12, respectively.

18. Insert a new section as follows:

§ 934.4 *Assignment of receipts from other plants*—(a) *Application of this section.* All receipts of milk and milk products at a regulated plant from any other plant shall be assigned to Class I milk or Class II milk in accordance with this section.

(b) *General provisions.* Except as otherwise provided in this section, all receipts of fluid milk products at a regulated plant shall be assigned to the class in which it is reported by the handler who operates the shipping plant, or if that handler submits no report, by the handler who operates the plant to which the fluid milk products were moved.

(c) *Assignment of receipts from plants at which the handling of milk is regulated under the Boston or New York orders.* Fluid milk products received from plants at which the handling of milk is regulated under the Boston or New York orders shall be assigned to Class I milk to the extent that the fluid milk products so received are classified as Class I milk under the Boston order, or as Class I-A milk, Class I-B milk, or Class I-C milk under the New York order. Any remaining quantity of such receipts shall be assigned to Class II milk.

(d) *Assignment of receipts from plants located outside the New England States and New York.* Fluid milk products received from plants located outside the New England States and New York shall be assigned to Class I milk if received in the form of milk, and to Class II milk if received in any form other than milk.

(e) *Limitation on assignment of receipts to Class II milk.* Notwithstanding the provisions of the preceding paragraphs of this section, no greater quantity of receipts of fluid milk products, other than cream, at any regulated plant from other plants shall be assigned to Class II milk than the total quantity of fluid milk products, other than cream, classified as Class II milk at the regulated plant.

(f) *Receipts of cream, and of milk products other than fluid milk products.* All receipts of cream, and of milk products other than fluid milk products, shall be assigned to Class II milk.

19. Make such other changes in other provisions of the order as may be required to effectuate fully the foregoing proposals.

Copies of this notice of hearing, the said order, as amended, now in effect, and the said tentative marketing agreement may be procured from the Market Administrator, National Bank Building, 21 Main Street, Andover, Massachusetts, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 26, 1949.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-733; Filed, Jan. 28, 1949; 8:56 a. m.]

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq.), notice is hereby given of a hearing to be held at the Knights of Pythias Hall, 103 Pleasant Street, Fall River, Massachusetts, beginning at 10:00 a. m., e. s. t., February 2, 1949 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by New England Milk Producers' Association:

1. In § 947.6 (b) (1) (i) delete the figure "15" and substitute therefor, the figure "25" cents.

2. Delete § 947.6 (b) (1) (ii) and substitute the following:

(ii) Add any plus amount which results from the following computation: Using the midpoint in any range as one price, compute the average of the prices per pound of roller process non-fat dry milk solids suitable for human consumption, in barrels, in carlots, as published during the month by the United States Department of Agriculture for New York City, subtract for each month the amount indicated in the following table, and multiply the remainder by 7.5.

Month:	*Amount (cents)*
October through February	5.0
March, April and July	6.6
May and June	7.4
August and September	5.8

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph, and for the months of April, May and June, subtract 23 cents.

Proposed by H. P. Hood & Sons:

3. Revise § 947.5 (d) (6) which relates to the classification of milk received at plants at which milk is received from producers. It is proposed to amend subparagraph (6) by striking out the colon following the words "Federal order plant" and substituting a period and deleting the remaining language in this subparagraph.

4. Amend § 947.6 (c) relating to the determination of the butterfat differential. Strike out the language following the words "by the market administrator as follows" and substitute therefor the following: "Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f. o. b. Boston as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered and divide the remainder by 334.8: *Provided,* That for any month for which no cream price as herein described is reported there shall be used in its stead an equivalent price determined by multiplying by 1.4 the average price reported for such month by the United States Department of Agriculture for U. S. Grade A (92-score) butter at wholesale in the Chicago market and then multiplying the result by 33.48."

Proposed by Dairy Branch, Production and Marketing Administration:

5. Revise § 947.6 (b) (2) to reflect the current cost of transporting Class II products from country plants.

6. Add definitions of milk and milk drinks and revise other paragraphs of the order to indicate where milk is intended to include all of the forms of milk products.

a. In § 947.1, add:

(q) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(r) "Milk drinks" means flavored milk, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

In § 947.1, revise paragraph (m) to read as follows:

(m) "Other source milk" means all milk and milk products received by a handler which is not producer milk, milk delivered by dairy farmers designated for other markets, or milk and milk drinks from a Federal order plant.

b. Revise § 947.5 (a) and (b) to read as follows:

(a) *Responsibility of handlers.* In establishing the classification of milk and milk products received by a handler the burden rests upon the handler who received milk from producers to account for all milk and milk products received at each plant at which milk is received from producers, and to prove that such milk and milk products should not be classified as Class I. The burden rests upon the handler who distributes milk and milk drinks in the marketing area to establish the source of all milk and milk products received.

(b) *Classes of utilization.* The classes of utilization of milk and milk products shall be as follows subject to paragraphs (c) and (d) of this section:

(1) Class I milk shall be all milk and milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk and milk products the utilization of which is accounted for as:

(i) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) Actual plant shrinkage not in excess of 2 percent of milk and milk drinks received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk and milk products received completely processed and packaged from a Federal order plant.

c. Revise the title of § 947.5 (c) to read as follows:

(c) *"Transfers of milk and milk drinks from a plant at which milk is received from producers"*

and revise subparagraph (3) under that title to read as follows:

(3) Transfers to a plant, other than a handler's plant or a Federal order plant, shall be Class I not to exceed the total Class I at such plant during the delivery period.

d. Revise § 947.5 (d) through subparagraph (6) to read as follows:

(d) *Classification of milk and milk products received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk and milk products which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk and milk products received at all plants of the handler at which milk is received from producers:

(i) From producers, including own production,

(ii) From dairy farmers designated for other markets,

(iii) In the form of milk products received completely processed and packaged from a Federal order plant,

(iv) In the form of bulk milk and milk drinks received from another Federal order plant,

(v) From other handlers who receive milk from producers and,

(vi) From other sources, and the total.

(2) Determine the total pounds of milk and milk products utilized in Class II products including allowable plant shrinkage as provided in paragraph (b) (2) (ii) of this section.

(3) Prorate allowable plant shrinkage classified as Class II to receipts from producers, from dairy farmers designated for other markets, and bulk receipts of milk and milk drinks from other Federal order plants, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk and milk products as Class II in an amount no greater than the amount of the Class II remaining.

(5) From the remaining pounds in each class deduct:

(i) The quantity of milk and milk products received from other handlers who receive milk from producers which is classified according to paragraph (c) (2) of this section, and

(ii) Milk and milk products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to receipts of milk and milk drinks from producers, from dairy farmers designated for other markets and bulk receipts from Federal order plants: *Provided,* That receipts from producers classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total quantity received from producers.

7. In § 947.1 (j) delete the words "Producer-handler" means a producer who is also a handler who receives no milk from producers and substitute therefor, "Producer-handler" means a producer who is also a handler who receives no milk from producers and who during the delivery period disposes of no more than 1,000 pounds on a daily average of milk and milk drinks other than in bulk to another handler or producer-handler.

8. Change the dates for making certain reports, announcements and payments and state more specifically the information to be included in reports.

a. Delete § 947.3 (a) (1) (2) (3) and (4) and substitute therefor:

(a) *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of each delivery period, the receipts of milk and milk products at each plant from producers, from other handlers, from such handler's own production, from any other sources during the delivery period, and inventories on hand at the beginning and end of each such delivery period;

(2) On or before the 8th day after the end of each delivery period, the respective quantities of milk and milk products which were sold, distributed, or disposed of including sales or deliveries to other handlers during the delivery period, for the several purposes and classifications as set forth in § 947.5;

(3 On or before the 20th day of each delivery period each handler shall report to the market administrator the receipts of milk from producers received during the first 15 days of such delivery period showing for each producer:

(i) The daily and total receipts of milk;

(ii) The average butterfat test thereof; and

(iii) The current post office address and farm location of producers for whom information has not been previously reported.

(4). On or before the 8th day after the end of each delivery period each handler shall report to the market administrator his receipts of milk from producers received during the period from the 16th through the last day of the delivery period showing for each producer:

(i) The daily and total receipts of milk;

(ii) The average butterfat test thereof; and

(iii) The current post office address and farm location of producers for whom information has not been previously reported.

(5) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator his producer records for such delivery period which shall show for each producer:

(i) The total pounds of milk delivered and the average butterfat test thereof; and

(ii) The net amount of such handler's payments to each producer and each cooperative association made pursuant to § 947.8 together with the prices, deductions and charges involved.

b. In § 947.3 (a) renumber subparagraphs (5) (6), and (7) as (6), (7), and (8) in subparagraph (7) as renumbered change the reference to subparagraph "(5)" to read subparagraph "(6)", and in subparagraph (8) as renumbered delete the term "7th" and substitute "8th."

c. In § 947.7 (c) delete the term "11th" and substitute "12th."

d. In § 947.9 (a) delete the term "15th" and substitute the term "17th."

e. In § 947.9 (b) after the words "and pay an equivalent amount" insert the words "on or before the 20th day after the end of the delivery period."

9. In § 947.3, add:

(c) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products during the month and the quantities of milk and milk products on hand at the end of the month.

10. In § 947.10 (a) substitute "17th" for "15th" insert the words "and milk drinks" between the word "milk" and the words "received during such delivery period" and delete the words "who receive milk from producers" as they appear just before the first proviso. Also in § 947.10 (a) delete the second proviso and substitute *"And provided further,* That the rate of payment shall be 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to milk and milk drinks assessed for the cost of administration of another Federal order."

11. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing, the said order, as amended, now in effect, and the said tentative marketing agreement may be procured from the Market Administrator, 103 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agricul-

ture, Washington 25, D. C., or may be there inspected.

Dated: January 26, 1949.

[SEAL] F. R. BURKE,
Acting Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 49-730; Filed, Jan. 28, 1949; 8:56 a. m.]

[7 CFR, Part 962]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 99 and Order No. 62 (7 CFR, Cum. Supp., 962.1 et seq.) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1947 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged, in the State of Georgia, in the production of peaches for market to determine whether such producers favor the termination of the aforesaid marketing agreement and order. D. M. Rubel, G. A. Nahstoll, and D. K. Young, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing the interests of the producers of such peaches, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form) and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in paragraph (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, N. E., Atlanta 5, Georgia, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meetings; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, 449 West Peachtree Street, N. E., Atlanta 3, Georgia, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which was received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and,

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee to appoint any member or members of a county Agricultural Conservation Association committee, in the State of Georgia, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5) (6) (7) and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by D. K. Young of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 449 West Peachtree Street, N. E., Atlanta, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 26th day of January 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-751; Filed, Jan. 28, 1949; 9:57 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR IRON AND STEEL INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Acting Secretary of Labor, in a prevailing minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act, (Act of June 30, 1936, 49 Stat. 2036; U. S. C., ti. 41, secs. 35–45) and dated January 16, 1939 (41 CFR, Cum. Supp., 202.25) determined that the minimum wage for persons engaged in the performance of contracts with agencies of the United States subject to the act for the manufacture or supply of the products of the Iron and Steel Industry ranged from 45 cents an hour in some specified localities to 62½ cents an hour in other specified localities.

The United Steelworkers of America has petitioned for amendment of such determination in conformity with the currently prevailing minimum wages in the iron and steel industry. The petition states that the great majority of employers in the industry throughout the country, except in the South, pay a minimum plant or occupational rate of $1.18½ an hour, and that the minimum rate for work which is normally classified as common labor is $1.23 an hour; the petition further states that in the South the great majority of employers pay a minimum plant or occupational rate of $1.04 an hour and that the minimum rate for work which is normally classified as common labor is $1.08½ an hour.

The Union requests that the Secretary of Labor determine that the prevailing minimum wage in the industry throughout the United States, except the South, is $1.23 an hour, and that the prevailing minimum wage in the South is $1.08½ an hour. The Union further requests that the determination provide for employment at a subminimum rate of $1.18½ an hour throughout the United States, except the South, and at a subminimum rate of $1.04 an hour in the South, in occupations and job classifications to which the plant or occupational minima specified in Union agreements are generally applicable. The United Steelworkers of America has submitted a tabulation showing the plants in the industry, listed by locality, plant minimum and common labor rates, and labor organization status, a copy of which tabulation is available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C.

The current determination of the industry provides that "the iron and steel industry is defined to mean and include the business of producing and selling all or any one or more of the following products:

Axles—rolled or forged.
Bale ties—single loop.
Bars:
  Alloy steel, hot rolled.
  Cold finished, carbon and alloy.
  Concrete reinforcing, straight lengths.
  Ingots, blooms and billets—iron
  Tool steel.
Ferre—manganese and spiegeleisen.
Girder rails and splice bars therefor.
Ingots, blooms, billets and slabs:
  Alloy.
  Carbon.
Light rails—60 pounds or less per yard—and splice bars and angle bars therefor.
Standard tee rails of more than 60 pounds per yard—and angle bars and rail joints therefor, or any of such products.
Mechanical tubing.
Pig iron:
  Foundry, high silicon silvery, malleable, open hearth basic, Bessemer and high silicon Bessemer.
  Low phosphorus.
Pipe—standard, line pipe and oil country tubular products.
Plates.
Posts—fence and sign.
Railroad tie plates.
Railroad track spikes.
Sheet bars.
Sheets.
Skelp.
Steel sheet piling.
Strip steel:
  Cold rolled.
  Hot rolled.
Structural shapes.
Tubes—boiler.
Tube rounds.
Wheels—car, rolled steel.
Wire—drawn.
Wire hoops—twisted or welded.
Wire nails and staples, twisted barbless wire, barbed wire, twisted wire fence stays and wire fencing (except chain-link fencing).
Wire rods.
Wire:
  Spring.
  Telephone.

It is proposed, in conjunction with a reconsideration of the prevailing minimum wage for the industry, to modify the current definition by inserting the word "railroad" following the words "axles" and "wheels" in the list of products, and by inserting the words "except fabric, rubber, and similarly covered" following "wire—telephone" in the list of products. It is also proposed to add to the list of products in the definition, rods, tin plate, tin mill black plate and terneplate.

Now, therefore, notice is hereby given: That a public hearing will be held on February 23, 1949, at 10:00 a. m. in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony: (1) As to what are the prevailing minimum wages in the Iron and Steel Industry: (2) as to the proposed change in the definition; and (3) as to whether there should be included in any amended determination for this industry provision for employment at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and the number or proportion of such subminimum rate employees.

Any interested person may appear at the hearing to offer evidence: *Provided*, That not later than February 17, 1949, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue, Northwest, Washington 25, D. C., a notice of intention to appear containing the following information.

1. The name and address of the person appearing;

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and

3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Signed at Washington, D. C., this 25th day of January 1949.

WM. R. MCCOMB,
Administrator Wage and Hour and Public Contracts Divisions, United States Department of Labor

[F. R. Doc. 49–711; Filed, Jan. 28, 1949; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 292]

IRREGULAR AIR CARRIERS

SUPPLEMENTAL NOTICE OF ISSUES FOR ORAL ARGUMENT ON FEBRUARY 15, 1949

By supplement dated January 12, 1949, to Draft Release No. 33, which is a proposed revision of § 292.1 of the Economic Regulations, the Board set down for oral argument consideration of the proposed revision at 10:00 a. m. on Tuesday, February 15, 1949, in Room 5042, Department of Commerce Building, Washington, D. C., and advised that there would shortly be circulated a statement of the issues to which oral argument should be directed.

The relatively large number of persons expected to ask to be heard, as well as some apparent misunderstanding as to the purpose and scope of the proposal, make it desirable to advise interested persons of the issues on which the Board is principally interested in hearing oral argument. The Board believes that this specification of issues will assist the parties to make the best and most productive use of the time available for the argument. It is stressed that such specification involves only the oral argument and not the written comments, which may be filed on or before February 1, 1949, and that, accordingly, ample opportunity exists to present written argument on any subsidiary or additional issues.

The principal issue raised by the proposed revision on which the Board de-

sires oral argument concerns termination of the blanket exemption of the large irregular carriers and substitution of a plan under which individual exemption orders would be granted to each large irregular carrier which is able, through applications filed for that purpose, to make an appropriate showing under section 416 of the act. Since each application would be acted upon on its merits after it is filed, the Board does not desire to hear argument on the merits of the irregular operations of any particular carrier. It does desire to hear argument on the question whether the Board should adopt the proposed plan of examining individual exemption applications, on the advantages and disadvantages of such a plan, and on suggestions for the improvement of the plan or the substitution of some other plan.

The proposed revision of § 292.1 does not include any proposal to change the frequency and regularity of operations by an irregular carrier. Moreover, in this connection it should be noted that Interpretation No. 1 to § 292.1 (released simultaneously with the proposed revision of § 292.1 and containing illustrative examples of regular and irregular operations) is not such a proposal. It has already been adopted by the Board, is now in effect, and represents a clarification of, rather than a change in, the existing regulation. The Board at this time does not desire to hear oral argument, therefore, with respect to the frequency and regularity with which irregular carriers should be permitted to operate. By the same token the Board does not wish to hear argument on the issue of the desirability of regular "coach" service conducted by irregular air carriers or other carriers, since that question is not put in issue by the proposed revision of § 292.1.

In addition to the principal issue, the proposed revision would effect certain other changes raising issues on which the Board welcomes oral argument. These issues include the following:

1. Whether large irregular carriers should not now be required to establish and observe just and reasonable rates, fares, charges, rules, classifications and practices in connection with air transportation.

2. Whether such exemptions as are presently extended to large irregular carriers from sections 408, 409 and 412 of the act should not be terminated and opportunity thus afforded for Board approval or disapproval of all the various relationships affected by such sections of the act.

3. Whether irregular air carriers should not, in their employment of agents for the sale of transportation between any two points, be limited to persons who do not act as agents for any other irregular air carrier for the sale of transportation between such points and have not so acted within 30 days prior to such employment or who, if they have at any time previously so acted, have been specifically approved by the Board for such purpose.

4. Whether other changes in the existing regulation, as proposed in Draft Release No. 33 should be adopted.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-736; Filed, Jan. 23, 1949; 9:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 49689]

CALIFORNIA

RESTORATION ORDER 1281 UNDER FEDERAL POWER ACT

JANUARY 18, 1949.

Pursuant to the determination of the Federal Power Commission (DA-709 California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights, the following-described public lands, having been withdrawn for Power Site Reserve No. 364 on May 27, 1913, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U. S. C. 818) as amended:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 1 W.,
Sec. 14, NE¼SW¼, S½SW¼,
Sec. 22, N½NE¼, NW¼.

Available data indicate that the land is mountainous in character. The areas described aggregate 360 acres.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Effective immediately, the lands affected by this order shall be subject to application by the State of California for rights of way for public highways or as a source of material for the construction and maintenance of such highways, under applicable laws and regulations contained in §§ 244.42 to 244.46 of Title 43 of the Code of Federal Regulations (Circular No. 1237b, May 31, 1943, 8 F. R. 7717) as provided by the act of Congress approved May 28, 1948. (Public Law 559, 80th Congress)

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 19, 1949. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 19, 1949, to July 19, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 30, 1949, to April 18, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 19, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 20, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, local, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from June 30, 1949 to July 19, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 20, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and

applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, District Land Office, Sacramento, California.

ROSCOE E. BELL,
Associate Director

[F. R. Doc. 49-704; Filed, Jan. 28, 1949; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9211]

FREEPORT JOURNAL-STANDARD PUBLISHING CO. (WFJS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Freeport Journal-Standard Publishing Company (WFJS) Freeport, Illinois, Docket No. 9211, File No. BP-6878; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of January 1949;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on the frequency 1400 kilocycles, with 250 watts power, unlimited time in Freeport, Illinois; and also having under consideration petitions filed by Galesburg Broadcasting Company, licensee of station WGIL, and Racine Broadcasting Corporation, licensee of station WRJN, to designate the said application for hearing and to make petitioners parties to the proceeding.

It is ordered, That, the said petitions be, and they are hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with stations WBEL, Beloit, Wisconsin; WGIL, Galesburg, Illinois; WRJN, Racine, Wisconsin, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Galesburg Broadcasting Company, licensee of station WGIL, Galesburg, Illinois; Racine Broadcasting Corporation, licensee of station WRJN, Racine, Wisconsin; and Beloit Broadcasters, Incorporated, licensee of station WBEL, Beloit, Wisconsin, be, and they are hereby, made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-721; Filed, Jan. 28, 1949; 8:54 a. m.]

[Docket No. 9212]

RADIO STATION KWBW

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William Wyse and Bess Wyse, a partnership d/b as Radio Station KWBW, Hutchinson, Kansas, Docket No. 9212, File No. BP-6999; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of January 1949;

The Commission having under consideration the above-entitled application of William Wyse and Bess Wyse, a partnership d/b as Radio Station KWBW for a construction permit to install new vertical antenna with an FM antenna mounted on top and to change transmitter location;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KWBW as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KWBW as proposed would involve objectionable interference with Station KSIW Woodward, Oklahoma, with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KWBW as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station KWBW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Woodward Broadcasting Company, licensee of Station WSIW Woodward, Oklahoma, be, and it is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-722; Filed, Jan. 28, 1949; 8:54 a. m.]

CLASS B FM BROADCAST STATIONS IN NORTHFIELD, ROCHESTER, AND MINNEAPOLIS, MINN.

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of revised tentative allocation plan for Class B FM broadcast stations to change channel allocations for Northfield, Rochester, and Minneapolis, Minnesota.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 18th day of January 1949;

The Commission having under consideration an amendment of its revised tentative allocation plan for Class B FM Broadcast Stations, providing that the channels allocated to Northfield, Rochester, and Minneapolis, Minnesota, be reallocated as follows:

General area	Channel No.	
	Delete	Add
Minneapolis, Minn.	239	280
Rochester, Minn.	280	250
Northfield, Minn.	251	239

It appearing, that the proposed amendment to the allocation plan is desirable in order to permit the grant of the pending application of St. Olaf College for construction permit for a new Class B FM station at Northfield, Minnesota to operate on channel 239 (95.7 mcs), which application the Commission proposes to grant in a subsequent action; and

It further appearing, that adoption of said amendment will not reduce the present allocation to any area nor require a change in the channel assignment of any other existing station or authorization; and that the operation of a Class B FM station on channel 239 at Northfield, Minnesota will not cause interference to any station existing, proposed or contemplated by the FM allocation plan; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the

requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the revised tentative allocation plan for Class B FM Broadcast Stations be and it is amended so that the allocations to Northfield, Rochester, and Minneapolis, Minnesota, are changed as follows:

General area	Channel No.	
	Delete	Add
Minneapolis, Minn.	239	236
Rochester, Minn.	236	250
Northfield, Minn.	251	239

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-723; Filed, Jan. 28, 1949; 8:54 a. m.]

[Docket No. 8756]

RAYTHEON MFG. CO. (WRTB)

ORDER SCHEDULING HEARING

In re application of Raytheon Manufacturing Company (WRTB) Waltham, Massachusetts, Docket No. 8756, File No. BMPCT-142; for extension of completion date for construction permit for TV broadcast station WRTB, Waltham, Massachusetts.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1949.

The Commission having under consideration a petition and supplements thereto filed May 28, 1948, and June 14, 1948, June 28, 1948, August 20, 1948, September 28, 1948, and October 27, 1948, January 14, 1949, respectively, by Raytheon Manufacturing Company requesting (1) reconsideration and grant without hearing of its above entitled application for additional time in which to complete construction of TV broadcast station WRTB, Waltham, Massachusetts and (2) a special temporary authorization for the operation of station WRTB with a 500 watt transmitter for the purpose of testing equipment; and

It appearing, that upon consideration of the facts alleged in the petition, as supplemented, the Commission is unable to conclude that petitioner has been diligent in proceeding with the construction of its proposed TV station or that a grant of the above entitled application for additional time to construct TV broadcast station WRTB would serve public interest, convenience and necessity; and

It further appearing, that, until a determination is made whether additional time for the construction of station WRTB is to be allowed, a grant of the requested special temporary authorization for operation of a 500-watt transmitter would serve no useful purpose;

It is ordered, That the said petition of Raytheon Manufacturing Company, as supplemented, requesting reconsideration and grant without hearing of the above entitled, application and special temporary authorization for the operation of a 500-watt transmitter be, and it is hereby, denied.

It is further ordered, That the hearing on the above entitled application be, and it is hereby, scheduled for 10:00 a. m., February 2, 1949, at Washington, D. C., before Examiner Hugh B. Hutchison.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-724; Filed, Jan. 28, 1949; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6186]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

JANUARY 25, 1949.

Notice is hereby given that on January 24, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of $3,000,000 principal amount of First Mortgage Bonds, 3% Series due 1978, to be issued on or about March 1, 1949 and to mature on June 1, 1978; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of February, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-699; Filed, Jan. 28, 1949; 8:47 a. m.]

[Docket No. E-6187]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

JANUARY 25, 1949.

Notice is hereby given that on January 24, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of 100,000 shares of 5½% Convertible Preference Stock, par value $20 per share, to be issued on or about February 21, 1949. Applicant states that if the conversion price is the same as for the outstanding 5½% Convertible Preference Stock, the proposed stock will be issued as additional shares of said series, otherwise, it will be issued as a new series; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of February, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-702; Filed, Jan. 23, 1949; 8:48 a. m.]

[Docket No. E-6188]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JANUARY 25, 1949.

Notice is hereby given that on January 24, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Kentucky, Louisiana, New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $3,000,000 principal amount of First Mortgage Bonds, Series B, 3¼%, to be dated as of January 1, 1949, and to be due January 1, 1974, to be issued by the Applicant under its Indenture of Mortgage and Deed of Trust to City National Bank and Trust Company of Chicago, Trustee, dated as of November 1, 1944, as supplemented by a Supplemental Indenture dated as of March 1, 1947, and as the same is to be supplemented by a Second Supplemental Indenture to be dated as of January 1, 1949. Applicant proposes to sell the bonds, pursuant to contract, to nine institutions; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of February, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-700; Filed, Jan. 23, 1949; 8:47 a. m.]

[Docket No. E-6189]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

JANUARY 25, 1949.

Notice is hereby given that on January 24, 1949, an application was filed

with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of $1,500,000 principal amount First Mortgage Bonds, Series D, 3⅜%, to be dated January 15, 1949 and to mature January 15, 1979. Said bonds are to be issued by the applicant under its Indenture of Mortgage and Deed of Trust to Central Hanover Bank and Trust Company, as Trustee, dated as of September 1, 1941, as supplemented and amended by a Supplemental Indenture dated July 15, 1945, and by a Supplemental Indenture dated as of January 15, 1948, and by a proposed Supplemental Indenture dated January 15, 1949. Applicant also seeks an order authorizing the issuance of $1,000,000 principal amount Debentures 3¾% to be dated January 15, 1949 and to mature January 15, 1974. Said Debentures are to be issued by the Applicant under a proposed Indenture of Trust from the Applicant to Empire Trust Company, as Trustee, dated January 15, 1949. Applicant proposes to sell the bonds and debentures, pursuant to contract, to The Equitable Life Assurance Society of The United States; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of February 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-701; Filed, Jan. 28, 1949; 8:47 a. m.]

[Docket Nos. G-1041, G-1046, G-1049, G-1050, G-1101, G-1107]

COUNCIL BLUFFS GAS CO. ET AL.

NOTICE OF ORDER DENYING APPLICATION FOR REHEARING AND AMENDING PREVIOUS ORDER

JANUARY 25, 1949.

Council Bluffs Gas Company, Docket No. G-1107; Central Electric & Gas Company, Docket No. G-1041, Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; and Iowa-Illinois Gas and Electric Company, Docket No. G-1101, v. Northern Natural Gas Company. In the matter of Northern Natural Gas Company, Docket No. G-1108.

Notice is hereby given that, on January 19, 1949, the Federal Power Commission issued its order entered January 18, 1949, denying application for rehearing and amending previous order (published in the FEDERAL REGISTER on November 30, 1948, Vol. 13, No. 232, P. 7318) in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secreary.

[F. R. Doc. 49-708; Filed, Jan. 28, 1949; 8:49 a. m.]

[Project Nos. 871, 1479]

LARRABEE REAL ESTATE CO. ET AL.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF NEW LICENSE (MINOR)

JANUARY 25, 1949.

In the matters of Larrabee Real Estate Company, Project No. 871, Fred W Cook and Catherine Sullivan, Project No. 1479.

Notice is hereby given that, on January 24, 1949, the Federal Power Commission issued its orders entered January 18, 1949, authorizing issuance of new license (minor) in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-707; Filed, Jan. 28, 1949; 8:49 a. m.]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

JANUARY 25, 1949.

Notice is hereby given that, on January 19, 1949, the Federal Power Commission issued its order entered January 18, 1949, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-705; Filed, Jan. 28, 1949; 8:48 a. m.]

[Project No. 1954]

GRAND RIVER DAM AUTHORITY

NOTICE OF ORDER DISMISSING APPLICATION FOR PRELIMINARY PERMIT

JANUARY 25, 1949.

Notice is hereby given that, on January 19, 1949, the Federal Power Commission issued its order entered January 18, 1949, dismissing the application for preliminary permit in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-706; Filed, Jan. 28, 1949; 8:49 a. m.]

AMESBURY ELECTRIC LIGHT CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ADJUSTMENTS

JANUARY 25, 1949.

Notice is hereby given that, on January 19, 1949, the Federal Power Commission issued its order entered January 18, 1949, approving and directing disposition of amounts classified in Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-709; Filed, Jan. 28, 1949; 8:49 a. m.]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER APPROVING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ACQUISITION ADJUSTMENTS, AND ELECTRIC PLANT ADJUSTMENTS

JANUARY 25, 1949.

Notice is hereby given that, on January 19, 1949, the Federal Power Commission issued its order entered January 18, 1949, approving disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-710; Filed, Jan. 28, 1949; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-27, 54-125, 59-22]

NORTH AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER APPROVING PLAN, SUBJECT TO CONDITIONS, FOR SUBMISSION TO DISTRICT COURT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 24th day of January 1949.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, trustees of the estate of Washington Gas and Electric Company, Southern Utah Power Company, et al, respondents, File No. 59-22; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, Southern Utah Power Company, File No. 54-125.

Nathan A. Smyth, trustee for Washington Gas and Electric Company ("Washington") a registered holding company and a debtor now in reorganization under Chapter X of the Bankruptcy Act as amended in the District Court of the United States for the Southern District of New York, having filed a plan of reorganization, as amended, ("plant") of Washington pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935; and

Public hearings having been held on said plan after appropriate notice, the Commission having heard oral argu-

ment and having considered the record herein, and having made and filed its findings and opinion herein:

It is ordered, That the plan be and the same hereby is approved for submission to said District Court pursuant to section 11 (f) of said act, subject to the conditions:

(1) That the Commission reserve jurisdiction over the terms, provisions and amount of all debt securities to be issued in connection with the plan:

(2) That the Commission reserve jurisdiction with respect to provisions of the charter and by-laws of Washington:

(3) That the Commission reserve jurisdiction to enter such further and supplemental orders, not inconsistent herewith, as may be necessary and appropriate to dispose fully of the issues under and to effectuate the provisions of the Public Utility Holding Company Act of 1935; and that

(4) Nothing herein contained shall authorize consummation of any of the transactions proposed in the plan until the said District Court shall have entered an order confirming the plan pursuant to the provisions of the Bankruptcy Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-712; Filed, Jan. 28, 1949; 8:51 a. m.]

[File Nos. 70-2015, 70-2016]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND RELEASING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January 1949.

General Public Utilities Corporation ("GPU") a registered holding company, having filed a declaration, and its subsidiary, Jersey Central Power & Light Company ("Jersey Central") having filed an application-declaration, as amended, pursuant to the provisions of sections 6 (a) (2) 6 (b) 9 (a) 10 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder regarding the following proposed transactions:

(a) GPU will make a cash capital contribution to Jersey Central of $1,000,000. Jersey Central will credit the $1,000,000 to capital surplus and employ such funds for construction of facilities subsequent to October 31, 1948.

(b) Jersey Central will issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,500,000 principal amount of first mortgage bonds, __% Series, due December 1, 1978. The proceeds of the sale of the bonds, other than premium, if any, and accrued interest, will be deposited with the indenture trustee and withdrawn from time to time against the net bondable value of property additions as permitted by the terms of the existing indenture.

(c) After the completion of the financing, Jersey Central will increase the par value of the 1,053,770 outstanding shares of its common stock from $1 per share to $10 per share by the transfer to its common stock account of $9,483,930 from its capital surplus account; and

The Commission having, by order dated January 11, 1949, granted said application, as amended, and permitted said declaration, as amended, to become effective with respect to (1) the proposal of GPU to contribute to Jersey Central $1,000,000 in cash, and (2) the proposal of Jersey Central to issue and sell $3,500,000 principal amount of its first mortgage bonds subject to the condition that the proposed issue and sale of said bonds shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, and the Commission having also reserved jurisdiction over (a) the payment of fees of all counsel and (b) the proposal of Jersey Central to increase the par value of its common stock from $1 per share to $10 per share by the transfer to its common stock account of $9,483,930 from its capital surplus account; and

Jersey Central having, on January 25, 1949, filed a further amendment to said application in which it is stated that it has offered said first mortgage bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to company (percent)	Interest rate (percent)	Cost to company (percent)
White, Weld & Co.	101.063	3½	3.023531
Equitable Securities Corp. and Carl M. Loeb, Rhodes & Co.	101.044	3½	3.022944
The First Boston Corp.	101.77	3½	3.034709
Halsey, Stuart & Co., Inc.	101.53	3½	3.045329
Otis & Co.	101.43970	3½	3.031335
Salomon Bros. & Hutzler	101.4149	3½	3.032057
Harriman Ripley & Co., Inc.	101.0779	3½	3.022053
Kidder, Peabody & Co.	101.071	3½	3.070116
Glore, Forgan & Co.	101.5259	3½	3.039038

Said amendment stating that Jersey Central has accepted the bid of White, Weld & Co. for the first mortgage bonds, as set out above, and that the first mortgage bonds will be offered for sale to the public at a price of 102.45% of the principal amount, resulting in an underwriters' spread of 0.464% of the principal amount; and

The amendment further stating that the legal fees to be incurred in connection with the proposed transaction are as follows:

Autenreith & Rochester, Counsel for the Company	$9,500
Beekman & Bogue, Counsel for Prospective Underwriters	5,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of said first mortgage bonds and the underwriters' spread and its allocation; and

It appearing that the proposed fees and expenses of Autenreith & Rochester and Beekman & Bogue are for necessary services and are not unreasonable:

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said first mortgage bonds be, and the same hereby is, released and the said application, as further amended, be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of the fees of all counsel be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to the proposal of Jersey Central to increase the par value of its common stock from $1 per share to $10 per share by the transfer to its common stock account of $9,483,930 from its capital surplus account be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-715; Filed, Jan. 28, 1949; 8:51 a. m.]

[File No. 70-2024]

NASSAU & SUFFOLK LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of January 1949.

Nassau & Suffolk Lighting Company, an indirect subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transaction:

Declarant proposes to issue and sell for cash at principal amount to two commercial banks an aggregate of $500,000 principal amount of unsecured notes, each of which will bear interest at the rate of 2½% per annum and will mature on June 30, 1949. The proceeds of the sale of the notes are to be used for payment of certain notes of the company presently outstanding in the principal amount of $500,000 and which mature January 26, 1949.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that

the order become effective at the earliest date possible.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-714; Filed, Jan. 28, 1949; 8:51 a. m.]

[File No. 70-2031]

KENTUCKY UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 25th day of January 1949.

Kentucky Utilities Company ("Kentucky") a registered holding company and a subsidiary of the Middle West Corporation, also a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder with respect to the following transactions:

Kentucky proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage Bonds, Series B, __% due 1979. The bonds are to be issued under and secured by Kentucky's present Indenture dated May 1, 1947 and a Supplemental Indenture to be dated January 1, 1949. The proceeds from the sale of the bonds, exclusive of accrued interest thereon, will be used to pay, or reimburse the company for, the cost of additions, extensions, and improvements to its properties and to retire outstanding loans in the principal amount of $1,500,000.

Kentucky's expenses in connection with the proposed transactions are estimated at $41,000, exclusive of system service company charges. The service company estimates that its charges (including legal services) will aggregate $14,000. The fee of independent counsel for the underwriters to be paid by the successful bidder or group of bidders is stated to be $6,000.

The declaration having been filed on January 7, 1949, and the last amendment thereto having been filed on January 24, 1949, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed issuance and sale of bonds having been expressly authorized by the Public Service Commission of Kentucky and the Railroad and Public Utilities Commission of Tennessee, stated to be the only State commissions having or claiming to have jurisdiction over the proposed transactions; and

The Commission finding with respect to said declaration, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, subject to the terms and conditions specified below, and the Commission further deeming it appropriate to grant declarant's request that the ten-day notice period provided by Rule U-50 be shortened to a period of not less than six days and that the order herein be accelerated and become effective forthwith:

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of bonds by Kentucky shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That, in accordance with the request of Kentucky the ten-day notice period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-716; Filed, Jan. 28, 1949; 8:52 a. m.]

[File No. 70-2034]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January 1949.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Columbia Gas System, Inc., ("Columbia") a registered holding company, and its subsidiary, United Fuel Gas Company ("United") Applicants-declarants have designated sections 6 (b) 9, 10 and 12 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 3, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 3, 1949, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

United proposes to issue and sell to Columbia $2,000,000 principal amount of 3¼% Installment Promissory Notes. Such notes are to be unsecured and are to be paid in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive. It is stated that the proceeds to be obtained through the issue and sale of the notes will be utilized by Union in connection with its construction program. The Public Service Commission of West Virginia, by order dated January 14, 1949, approved the proposed issue and sale of notes by United.

Applicants-declarants have requested that the Commission's order granting and permitting the joint application-declaration to become effective be issued as soon as possible and that it become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-713; Filed, Jan. 28, 1949; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 204]

NORTHWEST NUT GROWERS

APPLICATION FOR INVESTIGATION

JANUARY 26, 1949.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
		1949	
Filberts, not shelled, par. 757.	Increase in duty.	Jan. 24	Northwest Nut Growers, Dundee, Oreg.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 49-720; Filed, Jan. 28, 1949; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12601]

SHINAKICHI KITAGAWA AND SHUNTARO HAMAMURA

In re: Stock owned by Shinakichi Kitagawa and Shuntaro Hamamura. F-39-1148-D-1, F-39-2639-D-1, F-39-2655-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinakichi Kitagawa and Shuntaro Hamamura, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows: One hundred fifteen (115) shares of $5 par value common capital stock of Sui San Kabushiki Kaisha, Limited, 85 Lihiwai Street, Hilo, Hawaii, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates and registered in the names of the persons listed below in the amounts appearing opposite each name:

Registered owner	Certificate No.	Number of shares
Shinakichi Kitagawa	29	78
	114	15
Shuntaro Hamamura	9	22

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shinokichi Kitagawa and Shuntaro Hamamura, the aforesaid nationals of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-725; Filed, Jan. 23, 1949; 8:54 a. m.]

[Vesting Order 500A-244]

COPYRIGHTS OF FRANZ RIES AND RIES & ERLER, G. M. B. H., GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
E 638139	La Capricciosa; Violino mit Klavierbegleitung, 1925.	Franz Ries (nationality German).	Ries & Erler, G. m. b. H., Berlin, Germany (nationality German).	Author and owner.

[F. R. Doc. 49-726; Filed, Jan. 23, 1949; 8:54 a. m.]

[Vesting Order 500A-246]

COPYRIGHTS OF VERLAG VON GEBRÜDER BORTRAEGER, GERMAN NATIONAL

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Catalogus lichenum universalis. 1922-34 and 1940; 10 volumes, Band 1 (1922), Band 2 (1924), Band 3 (1925), Band 4 (1927), Band 5 (1928), Band 6 (1930), Band 7 (1931), Band 8 (1932), Band 9 (1934), Band 10 (1940).	A. Zahlbruckner (nationality not established.	Verlag von Gebrüder Borntraeger, Leipzig, Germany (nationality, German).	Owner.

[F. R. Doc. 49-728; Filed, Jan. 28, 1949; 8:55 a. m.]

[Return Order 201]

EMIL REICHERT

Return Order No. 48, dated January 21, 1948 (13 F. R. 381) relating to the claim referred to below, having been revoked on April 14, 1948 (13 F. R. 2120) without prejudice to further consideration of the claim, it is upon further consideration, ordered that the claimed property, described below and in the Determination, issued on January 21, 1948 (F. R. Document No. 48-750) allowing the above-numbered claim, be returned, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, Property

Emil Reichert, Glenside, Pennsylvania, Claim No. 6471; July 12, 1947 (12 F. R. 4660); Nineteen (19) shares of $100 par value common capital stock of the American Telephone and Telegraph Company, evidenced by certificates numbered P153863 and P153864 for four (4) shares each, R288393 for five (5) shares, and PN92890 for six (6) shares, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York. $126.79 in the Treasury of the United States representing dividends from said shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-729; Filed, Jan. 28, 1949; 8:55 a. m]